

NLC to probe how Italian tycoon acquired land in Funzi Island

Tuesday, March 05, 2019 — updated on June 29, 2020



Saggaf family member Muhammad - on April 24, 2018 - protests the government's failure to help them repossess their land in Kwale County. The NLC has stepped in to settle the dispute. PHOTO | FILE | NATION MEDIA GROUP

By
MOHAMED AHMED

What you need to know:

- A family member accused police and the office of the deputy county commissioner of frustrating their efforts to reclaim the land.
- The family had presented documents confirming that they owned the land, originally known as Plot Number W33/Kwale/Wasini.

The National Land Commission (NLC) has ordered that Wasini Island land worth Sh1.3 billion be returned to the Saggaf family and 63 acres on Funzi Island that was in the hands of tycoon Alessandro Torriani be given back to 83-year-old Hamisi Mwatende.

After a survey, the NLC said that the Saggaf family should be given 289 acres of land.

In a March 1 gazette notice, the NLC upheld a court decision which directed that the land be given to the family.

“The Chief Land Registrar to revoke any titles on land as per the court order and restore ownership to Saggaf family and issue appropriate ownership documents to the family,” NLC said in the notice.

The High Court sitting in Mombasa in 1995 had ruled in favour of the family.

CARTEL

In a April 11, 1997 gazette notice the court cancelled title deeds issued to parties other than the Saggaf family.

Despite the orders the family has been locked out of the land by what it described as a cartel.

In an interview with the Nation on Monday following the NLC act, Saggaf family members said they were yet to be assured of getting back their land.

“We thank NLC for fighting for us, but we are still grappling with the headache. We cannot survey the land because the local administration has not been supportive,” Mr Muhammad Sharif Saggaf, a family member, said, highlighting their futile efforts to have the earlier gazette notice implemented.

He accused police and the office of the deputy county commissioner of frustrating their efforts to reclaim the land and implicated seven tourist hotel owners in their woes.

“The hotels are doing business [on our land] and that is what pains us. They have also contracted people to mine minerals on the land. They are benefiting at the expense of our family,” Mr Saggaf said. The family has gone to court for orders to evict the hotels, he added.

“We are only waiting for approval, which will hopefully be granted next week. We have no issues with the squatters, the hotels are our main problem,” Mr Saggaf said.

SQUATTERS

In its recommendation, the NLC urged the family to use the alternative dispute resolution model to settle the squatter issue.

“NLC will facilitate negotiations between the family and squatters,” the report says.

Earlier, during investigations on the matter, the commission had admitted that an injustice had been visited on the Saggaf family.

The family had presented documents confirming that they owned the land, originally known as Plot Number W33/Kwale/Wasini. The patriarch is 99-year-old Sagga Alawy.

His children — Hassan Nassir, Muhammad Nassir and Ahmed Nassir — inherited the land.

POVERTY

Meanwhile, on Funzi Island, Mr Mwatende, whom the commission said is the sole owner of 63 acres claimed by tycoon Torriani, has been living in a makuti (palm) thatched house as a squatter.

The 82-year-old was living on his land in squalor despite having documents showing that he is the owner of plot L.R. No. KWL/FUNZI/64. The NLC recommended that the land be reverted to him.

The commission further directed the Chief Land Registrar to prepare ownership documents for the elderly man.

According to the gazette notice, those claiming ownership of Mr Mwatende's land were Mr James Gakunya Kahi, Mr Daniel Kibuka Gikonyo, **Mr Frank Gitau Njenga**, Mr Lawrence Kinyanjui Gitau and Ms Betty Muthoni Gikonyo, who NLC described as "prominent people".

During a previous sitting in Mombasa, the agency said it was not clear how the land was transferred to the aforementioned individuals and later to the Italian businessman.

ISLANDS RECLAIMED

Mr Torriani lives in the South Coast and claims to own Funzi and other small islands in Kwale County.

Earlier, reliable sources revealed that he had put up some of the lands for sale.

He was selling one for \$16 million (Sh1.6 billion), a price tag that raised eyebrows among residents. The government later reclaimed some of the islands.